

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 07-MJ-419
)	
v.)	
)	DETENTION ORDER
LEROY CARR,)	
)	
Defendant.)	
_____)	

Offense charged:

Count 1: Possession of Cocaine with Intent to Distribute in violation of 21 U.S.C. § 812.

Date of Detention Hearing: September 20, 2007.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant is a flight risk and a danger to the community based on the nature of the pending charges. This places a limited burden of production on the defendant, although the burden of persuasion remains with the government. Application of the presumption in favor of detention is appropriate in this case.
- (2) Defendant has a substantial history of failures to appear.

(3) Defendant regularly engages in illegal travel between Canada and the United States.

(4) Defendant has a lengthy criminal record based upon his background history check.

(5) Defendant is associated with four (4) alias names and three (3) dates of birth.

(6) There are no conditions or combination of conditions other than detention that will reasonably assure the appearance of defendant as required or the safety of the community.

IT IS THEREFORE ORDERED:


(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the correctional facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 21th day of September, 2007.



JAMES P. DONOHUE
United States Magistrate Judge